

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Charles Seaford

**TOWN COUNCIL**  
Don Bringle  
Arthur Heggins  
Brandon Linn  
Rodney Phillips  
Steve Stroud

## **TOWN OF CHINA GROVE**

### **A regular meeting of the China Grove Town Council**

**Tuesday, September 1, 2020**  
**6:00 p.m.**

**China Grove Town Hall**  
**China Grove, North Carolina**

#### **CALL TO ORDER**

Mayor Seaford called the regular meeting of September 1, 2020 to order. He led us in the Pledge of Allegiance.

Mayor Seaford called roll. All council members were present. There was a quorum.

Mr. Heggins made a motion to adopt the agenda. Mr. Phillips seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from August 4th, 2020 regular meeting
- b) Coronavirus Relief Fund Interlocal Agreement
- c) Approve Resolution changing signers for First Horizon

Mr. Bringle made a motion to approve the consent agenda. Mr. Phillips seconded the motion, which carried unanimously.

#### **QUASI-JUDICIAL HEARING**

- I) 2020-Z-03, 2020-CUP-03 Gable Properties – General and Trades Contracting

Mrs. Mills swore in Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover handed out the procedures for a Quasi-Judicial hearing. He stated the applicant is requesting a rezoning from Suburban Residential Conditional Use District to Highway Business Conditional Use District to allow a general contracting and trades contracting use. He stated the address is 1120 W NC 152 HWY and was the old Wise Marine property. He stated to the south of this site is Millers Grove and the surrounding area is largely single family. He stated an existing stand of Leyland cypress trees at the rear of the property. He stated multiple businesses will be based in the building. He stated the contracting use should be considered the primary use. He stated the site is located in the future Suburban Residential category of the Land Use Plan and the Land Use Plan would need to be amended if this rezoning is approved. He stated this is compatible with the neighborhood. He stated no special requirements apply to this project. He stated the applicant is not proposing any structural changes to the building. He stated Type A screening is required along Pleasant Village Lane and to the west of the building. He stated Type B screening is required along the outside of the parking area and there is limited space for this requirement. He stated Type C canopy trees are required within

60' of every parking space but due to limited space only one eastern red bud is proposed. He stated a dumpster enclosure is shown for future use. He stated the applicant is proposes using the existing asphalt with new striping with a total of six parking spaces. He stated no parking or screening is permitted in the front of the building due to setback restrictions. He stated notices were posted and mailed on August 20<sup>th</sup>, 2020 and an ad ran twice in the Salisbury Post. He stated there is a driveway permit that will be required from NCDOT. He stated the project will be subject to the requirements of Salisbury Rowan Utilities, Rowan County Building Inspections and Rowan County Environmental Health. He stated the project is located along NC 152 a major thoroughfare road between China Grove and Mooresville. He stated the Land Use Plan recommends Neighborhood Residential for this area. He stated the Land Use Plan does not address instances of commercial uses along thoroughfare roads. He stated the Planning Board voted unanimously to recommend approval based on the fact the proposed existing commercial property is on a major thoroughfare road and could be more compatible with the area by meeting landscaping requirements.

Mr. Phillips asked if the owner is currently using this property in this way. Mr. Gover stated they are currently operating in violation. Mr. Bringle asked if the applicant was here. Mr. Gover stated he is not.

Mayor Seaford opened the Quasi-Judicial hearing.

There were no comments from the public.

Mayor Seaford closed the Quasi-Judicial hearing.

#### Statement of Consistency and Reasonableness

Mr. Phillips made a motion that 2020-Z-03 is appropriate and necessary to meet the development needs of China Grove for the following reasons not previously envisioned by the China Grove Land Use Plan. Redevelopment of the existing commercial structures along major thoroughfares is encouraged and necessary; upon redevelopment the site shall meet the landscaping requirements of Chapter 7 to increase compatibility with residential uses in the area. Furthermore, the adoption of 2020-Z-03 is deemed an amendment to the China Grove Land Use Plan and Future Land Use Map and is reasonable and in the public interest based on the fact that the existing commercial developments along a major thoroughfare should be redeveloped to increase compatibility with surrounding uses. Mr. Stroud seconded the motion, which was carried unanimously.

#### 2020-Z-03

Mr. Phillips made the motion to approve 2020-Z-03 the request to rezone Rowan County Tax Parcel 118A02001 and 118A021 from Suburban Residential to Highway Business Conditional Use. Mr. Stroud seconded the motion, which was carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan due to the fact the proposed uses within the Conditional Use District include General Contracting (SIC 15), Special Trades Contracting (SIC 1711), Lawn Care (SIC 0782), and office for hair stylist with no services. The proposed change of use and redevelopment of the former Wise Marine property to a General Contracting/Special Trades business, if developed as planned, does not pose a danger to the public. Mr. Heggins seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use meets all required conditions and specifications due to the fact the proposed site plan meets the minimum standards of the Unified Development Ordinance and has been approved by the China Grove Planning Board and reviewed by the Technical Review

Committee. NCDOT will require a Driveway Permit. Mr. Linn seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity due to the fact that no material evidence was presented suggesting this request would injure property values. Mr. Bringle seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council due to the fact this project is located along W NC 152 HWY, a major thoroughfare connecting China Grove and Mooresville. The China Grove Land Use Plan does not provide recommendations for the redevelopment of commercial uses along major thoroughfares in predominately residential areas. This project is a change of use requiring compliance with the landscaping requirements of Chapter 7 of the China Grove UDO. The proposed landscaping increase compatibility with the surrounding residential uses. Mr. Linn seconded the motion, which carried unanimously.

#### 2020-CUP-03

Mr. Phillips made the motion to approve 2020-CUP-03 to allow a general contracting/trades contracting uses on Rowan County Tax Parcel 118A02001 and 118A021 without. Mr. Linn seconded the motion, which was carried unanimously.

#### II) 2020-CUP-04 Center Stage Dance Expansion

Mrs. Mills swore in Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover handed out the procedures for a Quasi-Judicial hearing. He stated the applicant is requesting a Conditional Use Permit for an addition to Center Stage Dance Company. He stated the new addition is 7,672 sq. ft. and includes instruction and storage space. He stated a covered pick-up/drop-off canopy will be added to the front of the existing structure. He stated the parking area would be increased by 11,108 sq. ft. He stated the property is an irregular shape and is located in the Office and Institutional district. He stated this project is located within the WS-IV Cold Water Creek Protected Area and limits the development without curb and gutter to 36% impervious coverage. He stated the maximum additional built upon area is 36%. He stated this addition would meet the maximum. He stated no Type A screening is required. He stated Type B screening is required along the parking lot. He stated Type C canopy trees are required within 60' of every parking space and the applicant is proposing five. He stated a dumpster enclosure is shown in the rear of the building. He stated the applicant is showing a significant increase in parking with a total of 47 spaces. He stated the UDO regulates the appearance and materials of commercial buildings. He stated the building must be at least 75% stone, stucco, or masonry materials. He stated the applicant is proposing materials to match the existing building. He stated the proposed metal façade material does not meet the ration required of Chapter 5 and the Town Council will need to approve the design alternative. He stated the goal in using this material is to keep the building consistent. He stated Chapter 5 also requires a minimum 40% door and window ratio along the first floor. He stated the elevation meets the ratio requirement as proposed. He stated the uses are designed to accommodate pedestrian access. He stated notices were posted and mailed on August 20<sup>th</sup>, 2020 and an ad ran twice in the Salisbury Post. He stated the Planning Board voted unanimously to recommend approval.

Mr. Linn asked what the side setback is. Mr. Gover stated there is no side setback in Office and Institutional district. He stated this site is an interior parcel of the overall district.

Mayor Seaford opened the Quasi-Judicial hearing.

There were no comments from the public.

Mayor Seaford closed the Quasi-Judicial hearing.

Mr. Phillips made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan due to the fact the proposed expansion of Center Stage Dance Company, if developed as planned, does not pose a danger to the public. Mr. Bringle seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use meets all required conditions and specifications due to the fact the proposed site plan meets the minimum standards of the Unified Development Ordinance and has been approved by the China Grove Planning Board and reviewed by the Technical Review Committee. Mr. Stroud seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity due to the fact that no material evidence was presented suggesting this request would injure property values. Mr. Stroud seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council due to the fact this project is located along South Bostian Street with a variety of existing office and institutional uses. The China Grove Land Use Plan recommends uses which provide services to the surrounding neighborhoods. This project is connected to the surrounding neighborhood via the existing sidewalk network, providing residents pedestrian access to a recreational service. The proposed use will be in harmony with the neighborhood in terms of intensity and scale. Mr. Bringle seconded the motion, which carried unanimously.

#### 2020-CUP-04

Mr. Phillips made the motion to approve 2020-CUP-04 to allow an addition to an existing dance instruction use in the Office and Institutional District on Tax Parcel 103 004 with the approval of the design alternatives recommended by the Planning Board. Mr. Linn seconded the motion, which was carried unanimously.

#### **NEW BUSINESS**

Mr. Deal stated we are working on the drive thru Covid test site in the parking lot of the old Food Lion on Hwy 29. He stated we are seeking permission from the property owner so that Rowan County Health Department can have a test site in the area. He stated it would be one Wednesday a week of the next month or two.

#### **OLD BUSINESS**

Mayor Seaford asked if the revised Personnel Policy was ready for review. Mr. Deal stated we are still working on the new policy and will have updates next month.

#### **COUNCIL UPDATES**

Mayor Seaford asked if we have received the data on our revenues. Mr. Deal stated sales taxes is three months behind so we have not received the information yet. Mayor Seaford stated he is looking at some things we had to postpone due to not knowing if the revenue would be there and maybe being able to address those.

Mr. Linn asked if Chief Deal could look into a traffic safety grant for the 2021-2022 budget.

**CITIZENS COMMENT**

None

**ADJOURNMENT**

Mr. Stroud made a motion to adjourn. Mr. Bringle seconded the motion, which carried unanimously.

**Respectfully Submitted,**

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**Pamela L. Mills, CMC**  
**Town Clerk**

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**Charles Seaford**  
**Mayor**